IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

LA.App..No. 1434 of 2003()

LAR.77/1998 of PRINCIPAL SUB COURT, NORTH PARAVUR
.....

APPELLANT: CLAIMANT:

CLARA, W/O. PAPPU @ MATHEW,
KARUMATHI, AKAPARAMBU.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.VINOD RAVINDRANATH

RESPONDENTS: RESPONDENTS:
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1. KERALA STATE, REPRESENTED BY
SPECIAL TAHSILDAR (LA) NO.1 KIA,
NEDUMBASSRY, ANGAMALY.

2. KOCHI INTERNATINOAL AIRPORT SOCIETY,
REPRESENTED BY ITS MANAGING DIRECTOR,
ANGAMALY, ERNAKULAM.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI, R1
BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

L.A.A.No.1434 of 2003

Dated, this the 2nd day of November, 2007

JUDGMENT

This is an appeal filed by the claimant complaining inadequacy of compensation. The property of the appellant was acquired for a public purpose. The land value fixed was at the rate of Rs.1,700/- per cent. The appellant claimed land value at the rate of Rs.50,000/- per cent. Matter was referred to the Sub Court, North Paravur. Appellant had produced Ext.A1 judgment in L.A.R.No.134/1998 and claimed at least 96% of the enhanced compensation awarded in that case. Trial court did not accept that contention but granted enhancement at the rate of 45%. Challenging that decree and judgment this appeal is filed.

2. There were connected matters in which cases the learned Sub Judge relying on Ext.A1 judgment granted enhancement at the rate of 96%. Challenging those judgments the State as well as the requisitioning authority had filed appeals before this Court. This Court considered the question and found that the claimants in those cases are entitled to get enhancement only at the rate of 45% and scaled down the enhancement to that rate. The above principle applies to the facts of this case. Hence no merit in this case and the appeal is only to be dismissed. I make it clear that the appellant is entitled to get interest on the

enhanced compensation which includes solatium also.

In the result, Land Acquisition Appeal is dismissed.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

L.A.A.No.1434 of 2003

JUDGMENT

2nd November, 2007.